

SEC. 3. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 1057

CHAPTER 553

AN ACT TO REQUIRE LAND OWNERS IN MOORE COUNTY TO FILL UP OR ERECT BARRIERS AROUND ABANDONED WELLS OR EXCAVATIONS MADE IN MINING OPERATION SO AS TO PROTECT PEOPLE AND LIVE STOCK FROM FALLING THEREIN.

The General Assembly of North Carolina do enact:

Land owners,
Moore County,
required to fill up
or erect barriers
around abandoned
wells or excavations
made in mining
operations.

SECTION 1. That all land owners in Moore County upon whose premises is situated any abandoned well, hole in the ground or other excavation dug or made in any mining operation be and he is hereby required to fill up such abandoned well, hole in the ground or other excavation or opening or to erect around such abandoned well, hole in the ground, opening or excavation made in any mining operation a barrier or fence sufficient to prevent a person or animal such as horses, mules, cows, sheep, goats or other animals from falling therein and injuring or killing such persons or animals by reason of falling into such abandoned well, hole in the ground, or open excavation from mining operation.

Liability of land
owner upon failure
to comply with
provisions of Act.

SEC. 2. That any land owner in Moore County who fails to comply with the provisions by filling up or erecting proper barrier or protection around such abandoned well, hole in the ground or open excavation caused from mining operation, shall be liable in damages to any person who may fall into such exposed and open well, hole in the ground or other excavation made in mining operation, and such damage to be recovered in a civil action in any court of competent jurisdiction in said county for such injury as any person may suffer to himself or to any live animal or live stock owned by him by reason of such person or domestic animal or live stock falling into such open well, hole in the ground or other excavation made in mining operation and the fact that the land owner upon whose premises such open well, hole in the ground or other excavation caused in mining operation was not protected as in this Act required shall be prima facie evidence of culpable civil negligence on the part of such land owner and shall be sufficient to carry the case to the jury on the question of damages in any action which may be instituted in any court of said county in which said action is instituted for the purpose of recovering damages for said injuries to either

Actions for recovery
of damages.